

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 IVAN LEE MATTHEWS, II,

Case No. 3:18-cv-00563-MMD-WGC

4 Plaintiff

ORDER

5 v.

6 ELY STATE PRISON et al.,

7 Defendants  
8

9 **I. DISCUSSION**

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections  
11 (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has  
12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1).

13 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28  
14 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to  
15 proceed *in forma pauperis* on this Court’s approved form and attach both an inmate  
16 account statement for the past six months and a properly executed financial certificate.  
17 Plaintiff has not submitted an application on this Court’s approved form, a properly  
18 executed financial certificate, or an inmate account statement. (See ECF No. 1). As  
19 such, the *in forma pauperis* application is denied without prejudice. The Court will retain  
20 Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the  
21 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the  
22 deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the  
23 full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in*  
24 *forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed  
27 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

28 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the

1 approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
2 document entitled information and instructions for filing an *in forma pauperis* application.

3 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,  
4 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on  
5 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
6 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
7 fee and the \$50 administrative fee).

8 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
9 dismissal of this action may result.

10 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint  
11 (ECF No. 1-1), but shall not file it at this time.

12  
13 DATED THIS 28th day of November 2018.

14 

15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28